9-13-04

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/792,374

Filing Date:

March 3, 2004

Applicant:

Levy et al.

Group Art Unit:

not yet assigned

Examiner:

not yet assigned

Title:

Classification of Patents Having Diffuse Large B-Cell

Lymphoma Based Upon Gene Expression

Attorney Docket:

9692-000042

Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION</u>

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A.____ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cross-referenced pending U.S. application listed below in Section IV, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Filing Date

U.S. Serial Number

C. X Because the present application was/is being filed after June 30, 2003 no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.
D This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing or any patent resulting from this application. If the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))
CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)
A. X Except as may be indicated below in (B), all of the patents, publications o other information are in the English language (concise explanation not required).
B A concise explanation of the relevance of each patent, publication o other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):
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CThe following additional information is provided for the Examiner's consideration.
CROSS REFERENCE TO RELATED APPLICATION(S)
AThe Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Filing Date

V. THIS IDS IS BEING FILED UNDER

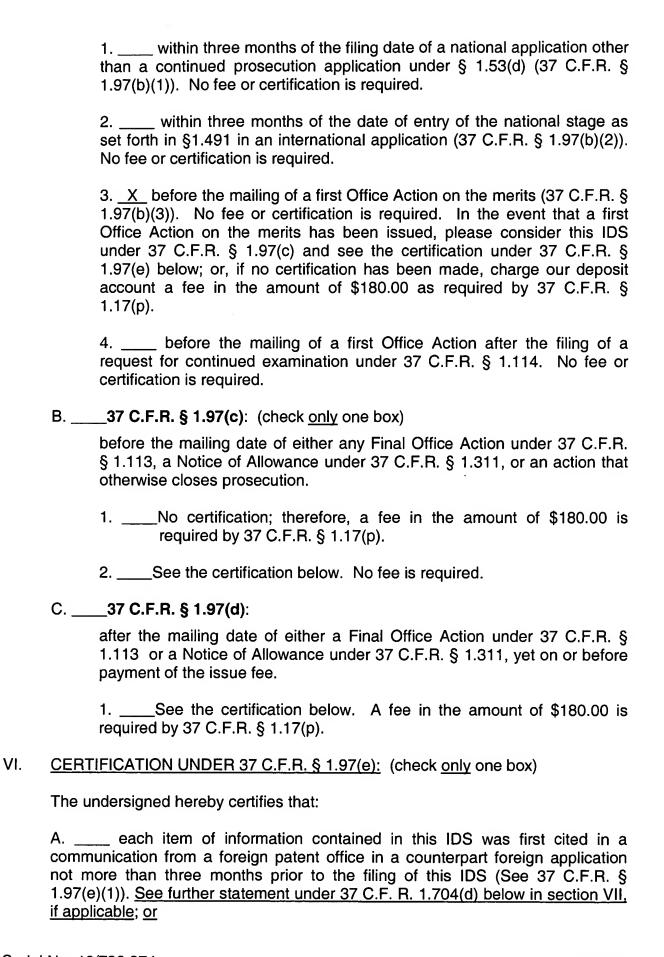
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A. X 37 C.F.R. § 1.97(b): (check only one box)

III.

IV.

Art Unit



Serial No. 10/792,374

- B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
- C. ____Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filling of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

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VIII. PAYMENT OF FEES (check only one box)

- A. ____ A check in the amount of \$180.00 is enclosed for the above-identified fee.
- B. ____Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: Sept 10, 2004

By:

David L. Suter

Reg. No. 30,692

Michael J. Lang, Ph.D.

Reg. No. 51,120

HARNESS, DICKEY & PIERCE, P.L.C. P.O. Box 828 Bloomfield Hills, Michigan 48303 (248) 641-1600 MLF/MJL/csd

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		Application Number	10/792	2,374
TRANSMITTAL		Filing Date	March	3, 2004
FORM		First Named Inventor	Levy e	t al.
(to be used for all correspondence after init	ial filing)	Art Unit	not ye	t assigned
		Examiner Name	not ye	t assigned
Total Number of Pages in This Submission		Attorney Docket Number	9692-0	000042
	ENCLO	SURES (check all that apply)		· · · · · · · · · · · · · · · · · · ·
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 10/792,374 **Application Number** TRANSMITTAL Filing Date March 3, 2004 **FORM** First Named Inventor Levy et al. (to be used for all correspondence after initial filing) Art Unit not yet assigned **Examiner Name** not yet assigned Total Number of Pages in This Submission Attorney Docket Number 9692-000042 ENCLOSURES (check all that apply) After Allowance Communication to Fee Transmittal Form Drawing(s) Technology Center (TC) Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC Petition Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Terminal Disclaimer Other Enclosure(s) Extension of Time Request (please identify below): Form 1449; copies of 39 other Request for Refund documents; and return Express Abandonment Request postcard. CD, Number of CD(s) Information Disclosure Statement The Commissioner is hereby authorized to charge any additional Certified Copy of Priority Remarks fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Document(s) Account No. 08-0750. A duplicate copy of this sheet is enclosed. Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Reg. No. Firm Attorney Name 51,120 Harness, Dickey & Pierce, P.L.C. Michael J. Lang Individual name Signature Date CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Sheet 1 of 4

ATTORNEY DOCKET No.	SERIAL NO.	
9692-000042/US	10/792,374	
APPLICANT		
Levy, et al.		
FILING DATE	GROUP	_
March 3, 2004	Unknown	

U.S. P	ATENT DO	CUMENTS				
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FORE	IGN PATEN	T DOCUMENTS	3				
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No

OTHE	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)			
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1.		Adida et al., <i>Prognostic significance of surviving expression in diffuse large B-cell lymphomas</i> , Blood, Vol. 96, No. 5, pp 1921-1925, 2000		
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5.		Cattoretti et al., <i>BCL-6 Protein Is Expressed in Germinal-Center B Cells</i> , Blood, Vol. 86, No. 1, pp 45-53, 1995		
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9692-000042/US	10/792,374
APPLICANT	
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March 3, 2004	Unknown

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9.		Gascoyne et al., Prognostic Significance of Bcl-2 Protein Expression and Bcl-2 Gene Rearrangement in Diffuse Aggressive Non-Hodgkin's Lymphoma, Blood, Vol. 90, No. 1, pp 244-251, 1997
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Sheet 4 of 4

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March 3, 2004	Unknown	

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